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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,702

12/17/2003

Thomas Grafenauer

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EXAMINER

CAJILIG, CHRISTINE T

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

04/13/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/13/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/736,702

Applicant(s)

GRAFENAUER, THOMAS

Examiner

Christine T. Cajilig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the action dated 12/07/06 is vacated. A new office action is issued as follows.

Information Disclosure Statement

The information disclosure statement filed 10/11/06 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "depressions, which are spaced apart parallel to one another" as claimed in claim 7, "a plurality of

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spaced apart recesses provided along the bottom lip of the second longitudinal edge" as claimed in claim 12, "the bottom lip of the second transverse edge having a plurality of spaced apart recesses" as claimed in claim 13, "the plurality of recesses," as claimed in claim 14, and "the bottom lip has a plurality of spaced apart depressions" as claimed in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicant's recess 15 as shown in Figure 3 of the instant Application is shown as one continuous recess.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18, the language of "markings...corresponding to spacing between beams" renders the scope of the claim to be indefinite. It is unclear if Applicant's invention is directed to a floor board per se, or to the floor board and beams to which the markings would correspond.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by
Palsson (US 2003/0079820 A1).

Regarding claim 8, Palsson discloses a building board, comprising a first longitudinal edge (2') having a tongue (11); a second longitudinal edge (2'') opposite the first longitudinal edge and having a groove (13) bounded by a top lip (b) and a bottom lip (14); a first transverse edge (2''') adjacent to the first and second longitudinal edges and having a tongue (e); a second transverse edge (2^{IV}) adjacent to the first and second longitudinal edges and having a groove (h); and an upwardly projecting extension (15) on the bottom lip of the second longitudinal edge that locks interconnected boards in a horizontal direction in relation to one another, wherein a front edge of the tongue of the first longitudinal edge comprises a bevel (a), the bottom lip of the second longitudinal edge has a concave recess (c) over its length, and the tongue of the first longitudinal edge has a convex underside (d) which corresponds to the concave recess.

Regarding claim 16, Palsson discloses the structure discussed above and further discloses a bevel (g) on the top lip of the second longitudinal edge (2'') which corresponds or is complementary to the bevel (a) of the tongue of the first longitudinal edge (2').

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820).

Regarding claim 1, Palsson discloses a building board (1) comprising a first longitudinal edge having a tongue (e), and a second longitudinal edge having a groove bounded by a top lip (B) and a bottom lip (A). The building board also comprises a first transverse edge adjacent to the first and second longitudinal edges and having a tongue, and a second transverse edge adjacent to the first and second longitudinal edges and having a groove (paragraphs 0010, 0011). An upwardly projecting extension on the bottom lip (A) of the second longitudinal edge locks interconnected boards in a horizontal direction in relation to one another. A front edge of the tongue (13) of the first longitudinal edge comprises a bevel (23) and a recess (6) adjacent the bevel, but does not disclose the board is made of oriented strand board. The background section (paragraph 0005), however, discloses that floor boards can be made of oriented strand board. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Palsson's floor board to be made of oriented strand board, as this would provide a strong and durable material for a flooring system.

Claims 1, 2, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson (US 2003/0079820 A1) in view of Olofsson et al. (US 6682254 B1).

Regarding claim 1, Palsson discloses a building board which has two mutually opposite longitudinal edges (2', 2" of Figure 2) and two mutually opposite transverse edges (2"', 2^{iv}, of Figure 6) running at right angles to the longitudinal edges, one longitudinal edge and one transverse edge in each case having a tongue (11, e respectively) and the opposite longitudinal edge and transverse edge having a groove (13, h respectively) corresponding to the tongue, via which a plurality of building boards can be connected to one another and locked in the vertical direction in relation to one another, wherein the tongue on the longitudinal edge comprises a bevel (a), and the tongue and the groove on the longitudinal edge are designed such that two boards which are connected to one another at the longitudinal edges are also locked in a horizontal direction in relation to one another. Palsson does not disclose that the building board is made of OSB (oriented strand board), nor discloses that the tongue on the longitudinal edge comprises a recess adjacent the bevel. However, Palsson discloses that prior art floor boards can be made out of OSB (Par 0005). Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to be made of OSB as this would provide a strong and durable material for a flooring system. Moreover, Olofsson et al. discloses a floor board (Figure 5) wherein a tongue (2) comprises a recess (6) adjacent a bevel (a). Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to include a recess adjacent the bevel as taught by Olofsson et al. to provide a cavity where excess glue can collect (Col 3, Ln 21-28).

Regarding claim 2, Palsson already modified by Olofsson et al. discloses the structure as discussed above and further discloses that the groove (13) on the longitudinal edge (2") is bounded by a top lip (b) and a bottom lip (14), the bottom lip projects laterally beyond the top lip and has a concave recess (c) over the entire length, and the tongue has a convex underside (d) which corresponds to the recess.

Regarding claim 11, Palsson discloses the structure as discussed above, but does not disclose a recess formed in the tongue of the first longitudinal edge adjacent to the bevel. However, Olofsson et al. discloses a floor board (Figure 5) wherein a tongue (2) comprises a recess (6) adjacent a bevel (a). Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to include a recess formed in the tongue of the first longitudinal edge adjacent to the bevel as taught by Olofsson et al. to provide a cavity where excess glue can collect (Col 3, Ln 21-28).

Claims 3, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Olofsson et al. as applied to claim 1 above, and further in view of Thiers (US 2002/0056245 A1).

Regarding claim 3, Palsson already modified by Olofsson et al. discloses the structure as discussed above, but does not disclose that the longitudinal edges and the transverse edges have a chamfer on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards. However, Thiers discloses a floor board (2) wherein the longitudinal edges and the transverse edges have a chamfer

(15, Par 0066) on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards as shown in Figure 5. Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson already modified by Olofsson et al. so that the longitudinal edges and the transverse edges have a chamfer on their top side, with the result that a V-shaped joint is formed at the connecting location between two board as taught by Theirs to provide a panel that can be easily rotated in relation to one another (Par 0067) as well as provide an aesthetically pleasing surface along the upper edges of the board.

Regarding claim 6, Palsson already modified by Olofsson et al. discloses the structure as discussed above, and further discloses that the top side of the board has a decorative layer (3) but does not disclose that the decorative layer (3) on the top side of the board is provided with markings along which the board is capable of being fastened on the beams by means of screws or nails. However, Theirs discloses a floor board (2) wherein the top decorative layer (23) has markings in the form of imprinted wood patterns, along which, screws or nails could obviously be fastened. Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson already modified by Olofsson et al. to have markings on the decorative, along which, screws or nails could obviously be fastened as taught by Theirs to provide a decorative surface that replicates wood.

Regarding claim 19, Palsson already modified by Olofsson et al. discloses the structure as discussed above, and further discloses an underside of the top lip (b)

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comprises a beveled edge (g) corresponding to the bevel, but does not disclose that the longitudinal edges and transverse edges have a chamfer on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards. However, Thiers discloses a floor board (2) wherein the longitudinal edges and the transverse edges have a chamfer (15, Par 0066) on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards as shown in Figure 5. Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson already modified by Olofsson et al. so that the longitudinal edges and the transverse edges have a chamfer on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards as taught by Thiers to provide a panel that can be easily rotated in relation to one another (Par 0067) as well as provide an aesthetically pleasing surface along the upper edges of the board.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Olofsson et al. as applied to claim 1 above, and further in view of Kornicer et al. (US 2003/0035921 A1).

Regarding claims 4 and 5, Palsson already modified by Olofsson et al. discloses the floor board above, but does not disclose that the board comprises four layers, in which case, in the two outer layers, a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers, a longitudinal direction of other strands is oriented predominantly in the transverse

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direction of the board or that the board comprises strands glued with an isocyanate resin. However, Kornicer et al. discloses a multi-layered oriented strand board (10) has four layers, in which case, in the two outer layers (12, 16), a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers (14, 15), a longitudinal direction of other strands is oriented predominantly in the transverse direction of the board as shown in Figure 1, and comprises strands glued with isocyanate resin (Par 0029-0035). Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson already modified by Olofsson et al. to have four layers, in which case, in the two outer layers, a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers, a longitudinal direction of other strands is oriented predominantly in the transverse direction of the board and the strands glued with isocyanate resin as taught by Kornicer et al. to provide a material that is better suited for use as flooring in damp environments (Par 0018).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Olofsson et al. as applied to claim 2 above, and further in view of Hall (US 347,425).

Regarding claim 7, Palsson already modified by Olofsson et al. discloses the floor board above, but does not disclose that the bottom lip (14) of the groove, on the longitudinal and/or transverse side, has depressions, which are spaced apart parallel to

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one another, for accommodating a nail or screw head. Hall, however, discloses a cladding wherein a bottom lip (B) of a groove comprises depressions (c), which are spaced apart parallel to one another, for accommodating a nail or screw head.

Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson already modified by Olofsson et al. to have the groove, on the longitudinal and/or transverse side, include depressions, which are spaced apart parallel to one another, for accommodating a nail or screw head as taught by Hall to have preformed holes to fix the floor board in place.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Thiers.

Regarding claims 9 and 10, Palsson discloses the structure discussed above, but does not disclose a first chamfer on a top side of the top lip of the second longitudinal edge and a second chamfer disposed above the tongue of the first longitudinal edge, resulting in a V-shaped joint formed by connecting boards. However, Thiers discloses a floor board (2) wherein the first and second longitudinal edges have a first and second chamfer (15, Par 0066), respectively, on their top side, with the result that a V-shaped joint is formed at the connecting location between two boards as shown in Figure 5. Therefore, it would have been obvious to one having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to have a first chamfer on a top side of the top lip of the second longitudinal edge and a second chamfer

disposed above the tongue of the first longitudinal edge, resulting in a V-shaped joint formed by connecting boards as taught by Theirs to provide a panel that can be easily rotated in relation to one another (Par 0067) as well as provide an aesthetically pleasing surface along the upper edges of the board.

Claims 12-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Hall.

Regarding claims 12-14, Palsson discloses the structure as discussed above and further discloses that the groove (h) of the second transverse edge comprises a top lip (24) and a bottom lip (10^{IV}), but does not disclose a plurality of spaced apart recesses provided along the bottom lip of the second longitudinal edge nor that the bottom lip of the second transverse edge having a plurality of spaced apart recesses, and wherein the plurality of recesses of the second longitudinal edge and the second transverse edge are configured to accommodate countersunk nail heads or screw heads. Hall, however, discloses a cladding wherein a bottom lip (B) of a groove comprises a plurality of spaced apart recesses(c) configured to accommodate countersunk nail heads or screw head. Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to have the bottom lips of each of the groove on the longitudinal and transverse side, have a plurality of spaced apart recesses configured to accommodate countersunk nail heads or screw head as taught by Hall to have preformed holes to fix the floor board in place. Furthermore, it has been held that a mere duplication of parts, such as the duplication of

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the recesses, has no patentable significance unless a new and unexpected result is produced. A duplication of parts is generally recognized as being within the level of ordinary skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1955).

Regarding claim 20, Palsson discloses a building board comprising two mutually opposite longitudinal edges (2', 2" of Figure 2) and two mutually opposite transverse edges (2"', 2^{iv}, of Figure 6) running at right angles to the longitudinal edges, one longitudinal edge and one transverse edge in each case having a tongue (11, e respectively) and the opposite longitudinal edge and transverse edge having a groove (13, h respectively) corresponding to the tongue, via which a plurality of building boards can be connected to one another and locked in the vertical direction in relation to one another, wherein the groove on the longitudinal edge is bounded by a top lip (b) and a bottom lip (14), the bottom lip projects laterally beyond the top lip and has a concave recess (c) over the entire length, the tongue has a convex underside (d) which corresponds to the recess, but does not disclose that the bottom lip has a plurality of spaced apart depressions configured to accommodate a countersunk nail head or screw head. Hall, however, discloses a cladding wherein a bottom lip (B) of a groove comprises a plurality of spaced apart recesses(c) configured to accommodate countersunk nail heads or screw head. Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to have the bottom lips of each of the groove on the longitudinal and transverse side, have a plurality of spaced apart recesses configured to

accommodate countersunk nail heads or screw head as taught by Hall to have preformed holes to fix the floor board in place.

Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Kornicer et al.

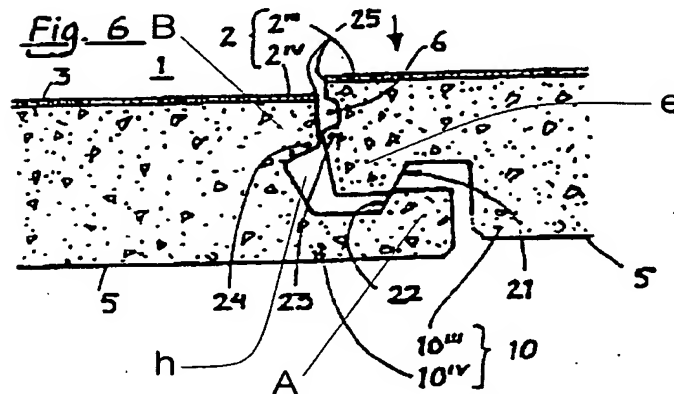
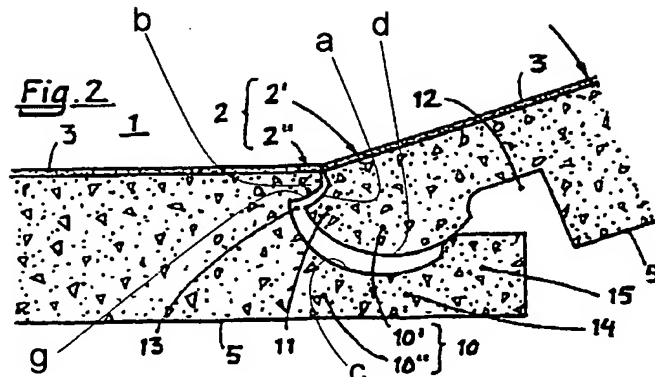
Regarding claims 15 and 17, Palsson discloses the floor board above, but does not disclose that the board comprises four layers, in which case, in the two outer layers, a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers, a longitudinal direction of other strands is oriented predominantly in the transverse direction of the board or that the board comprises strands glued with an isocyanate resin. However, Kornicer et al. discloses a multi-layered oriented strand board (10) has four layers, in which case, in the two outer layers (12, 16), a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers (14, 15), a longitudinal direction of other strands is oriented predominantly in the transverse direction of the board as shown in Figure 1, and comprises strands glued with isocyanate resin (Par 0029-0035). Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to have four layers, in which case, in the two outer layers, a longitudinal direction of strands is oriented predominantly in the longitudinal direction of the board, and in the two inner layers, a longitudinal direction of other strands is oriented predominantly in the transverse direction of the board and the strands glued with isocyanate resin as taught

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by Kornicer et al. to provide a material that is better suited for use as flooring in damp environments (Par 0018).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson in view of Smid et al. (US 6012255).

Regarding claim 18, Palsson discloses the floor board above, but does not disclose markings provided on a top side of the board and adapted to correspond to spacing between beams. However, Smid et al. in Figures 2A-2F discloses building material with a plurality of marks (12) corresponding to spacing of supports on which the building material would be mounted. Therefore, it would have been obvious for a person having ordinary skill in the arts at the time of the Applicant's invention to modify the floor board of Palsson to include markings on a top side of the board and adapted to correspond to spacing between beams as taught by Smid et al. to provide a visual indicator for a worker of where to fasten the board (Abstract).



Palsson US 2003/0079820

Fig. 5

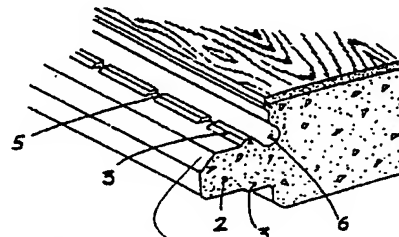
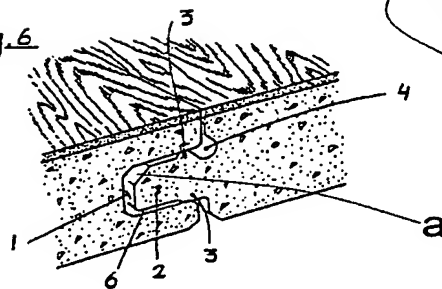


Fig. 6



Olofsson US 6682254 B1

Response to Arguments

Applicant's arguments, see Remarks, filed 3/07/07, with respect to the rejection(s) of claim(s) 8, 11-14, 16, 18, and 20 under 35 U.S.C. 102(e) and the rejections of claims (s) 2-7, 9, 10, 15, 17, and 19 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Palsson and other references as discussed in the rejections above.

Applicant's arguments filed 3/07/07 regarding claim 1 have been fully considered but they are not persuasive. Applicant argues that the tongue of Palsson "does not comprise a recess and a bevel...instead, the upper mating surface 25 comprises the cavity 6" (Page 15 of Remarks). It is clearly shown in the annotated Figure 6, that the tongue comprises a bevel (23) and a recess (6) adjacent the bevel (23).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hannig et al. (US 6505452 B1) a floor panel; Terbrack et al. (US 4,426,820) a panel joint assembly.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Cajilig whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday - Friday from 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CTC 
4/05/07

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TECHNOLOGY CENTER 3600

